



March 16, 2001

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## ENGROSSED HOUSE BILL No. 1288

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DIGEST OF HB 1288 (Updated March 14, 2001 3:58 PM - DI 106)

**Citations Affected:** IC 35-44.

**Synopsis:** Impersonating a firefighter. Makes impersonation of a firefighter a Class A misdemeanor. The offense is a Class D felony if, as a proximate result of the person entering an emergency incident area, a person suffers bodily injury. Provides that a person who is not a firefighter who refuses to leave an emergency incident area after being requested to do so commits a Class A misdemeanor. Provides that a firefighter who enters an emergency incident area, but has not been dispatched to the emergency dispatch area, and who refuses to leave after being requested to do so commits a Class C infraction. Provides that a person who interferes with a firefighter performing required duties commits a Class A misdemeanor.

**Effective:** July 1, 2001.

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### Frenz, Adams T, Steele

(SENATE SPONSORS — LONG, LUTZ L)

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January 9, 2001, read first time and referred to Committee on Courts and Criminal Code.  
February 13, 2001, amended, reported — Do Pass.  
February 19, 2001, read second time, amended, ordered engrossed.  
February 20, 2001, engrossed. Read third time, passed. Yeas 92, nays 3.

SENATE ACTION

February 27, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.  
March 15, 2001, amended, reported favorably — Do Pass.

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EH 1288—LS 7126/DI 105+



March 16, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## ENGROSSED HOUSE BILL No. 1288

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-44-4 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2001]:

4       **Chapter 4. Interference With A Firefighter**  
5       **Sec. 1. As used in this chapter, "dispatched firefighter" means**  
6       **a member of:**  
7               **(1) the fire company having jurisdiction over an emergency**  
8               **incident area; or**  
9               **(2) a fire company that has entered into a mutual aid**  
10              **agreement with the fire company having jurisdiction over an**  
11              **emergency incident area;**

12       **who has been dispatched by the local fire department having**  
13       **jurisdiction over the particular emergency incident area.**

14       **Sec. 2. As used in this chapter, "emergency incident area"**  
15       **means the area surrounding a structure, vehicle, property, or area**  
16       **that is:**

17              **(1) defined by police or firefighters with flags, barricades,**

EH 1288—LS 7126/DI 105+



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1 barrier tape, or other markers; or  
 2 (2) one hundred and fifty (150) feet in all directions from the  
 3 perimeter of the emergency incident;  
 4 whichever is greater.

5 Sec. 3. As used in this chapter, "firefighter" has the meaning set  
 6 forth in IC 9-18-34-1.

7 Sec. 4. As used in this chapter, "fire protective clothing and fire  
 8 protective gear" includes any of the following items generally used  
 9 by firefighters:

- 10 (1) Outer fire retardant clothing and headgear.
- 11 (2) Fire gloves.
- 12 (3) Selfcontained breathing apparatus.
- 13 (4) Emergency medical services protective gear.
- 14 (5) Hazardous materials protective gear.

15 Sec. 5. A person who is not a firefighter who knowingly or  
 16 intentionally refuses to leave an emergency incident area  
 17 immediately after being requested to do so by a firefighter or law  
 18 enforcement officer commits a Class A misdemeanor.

19 Sec. 6. A firefighter who:

- 20 (1) has not been dispatched to an emergency incident area;
- 21 (2) enters an emergency incident area; and
- 22 (3) refuses to leave an emergency incident area immediately  
 23 after being requested to do so by a dispatched firefighter or  
 24 law enforcement officer;

25 commits a Class C infraction.

26 Sec. 7. A person other than a firefighter who, with intent to  
 27 mislead a firefighter or law enforcement officer as to the person's  
 28 status as a dispatched firefighter, knowingly or intentionally enters  
 29 an emergency incident area while wearing, transporting, or  
 30 otherwise possessing a uniform, fire protective clothing, or fire  
 31 protective gear commits a Class A misdemeanor. However, the  
 32 offense is a Class D felony if, as a proximate result of the person  
 33 entering the emergency incident area, a person or firefighter  
 34 suffers bodily injury (as defined in IC 35-41-1-4).

35 Sec. 8. A person who knowingly or intentionally obstructs or  
 36 interferes with a firefighter performing or attempting to perform  
 37 the firefighter's emergency functions or duties as a firefighter  
 38 commits obstructing a firefighter, a Class A misdemeanor.

39 SECTION 2. IC 35-44-3-8 IS REPEALED [EFFECTIVE JULY 1,  
 40 2001].



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1288 as introduced.)

DVORAK, Chair

Committee Vote: yeas 11, nays 2.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1288 be amended to read as follows:

Page 2, line 31, delete "D felony." and insert "**A misdemeanor. However, the offense is a Class D felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury (as defined in IC 35-41-1-4).**".

(Reference is to EHB 1288 as printed February 14, 2001.)

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1288, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 30, after "uniform," insert "**fire**".

Page 2, line 30, after "or" insert "**fire**".

and when so amended that said bill do pass.

(Reference is to HB 1288 as reprinted February 20, 2001.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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